

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 10.65.101) ON PROPOSED AMENDMENT
relating to pupil instruction-related days)

TO: All Concerned Persons

1. On August 24, 2006, at 9:00 a.m. a public hearing will be held in the OCHE conference room, 46 North Last Chance Gulch, Helena, Montana, to consider the amendment of the above-stated rule.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on August 10, 2006, to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.65.101 POLICY GOVERNING PUPIL INSTRUCTION-RELATED DAYS
APPROVED FOR BASE FUNDING PROGRAM CALCULATIONS (1) A school which in any fiscal year was in session for at least ~~180 pupil instruction days and provided~~ the minimum aggregate hours required (20-1-301, MCA) may count for the year's foundation program a maximum of seven PIR days with a minimum of three of the days for instructional and professional development meetings or other appropriate in-service training. These seven PIR days in addition to ~~the required 180 pupil instruction days and~~ the minimum aggregate hours may be counted provided that such additional days did not include any time counted for pupil instruction as provided in 20-1-302, MCA and were used for one or more of the following purposes in accordance with the regulations hereby established:

(a) through (d) remain the same.

(e) A school district may count for the year's foundation program a total of not more than three and one-half days in addition to the ~~required 90 pupil instruction days and the~~ minimum aggregate hours required for kindergarten purposes, provided that such additional days were used for one or more of the above-named purposes.

AUTH: 20-2-121, 20-2-121, MCA

IMP: 20-1-304, MCA

Statement of Reasonable Necessity: The Board of Public Education has determined that it is reasonable and necessary to amend the above-stated rule to eliminate the

references to 180/90 pupil instruction days which requirement was eliminated by SB 170, 2005 Session Laws.

4. Pursuant to the agreement between the Board of Public Education and the Legislature, the board does not anticipate any implementation costs, but shall request and report in its adoption notice any cost estimates received from districts during the hearing.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on August 24, 2006.

6. Steve Meloy has been designated to preside over and conduct the hearing.

7. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding pupil instruction-related days or other school related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, by e-mail to smeloy@bpe.montana.edu, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller

Dr. Kirk Miller, Chairperson
Board of Public Education

/s/ Steve Meloy

Steve Meloy, Rule Reviewer
Board of Public Education

Certified to the Secretary of State July 17, 2006.